

# **EXHIBIT**

# **J**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03-md-1570 (GBD)(SN)  ECF Case
This document relates to:  <i>Thomas Burnett, Sr., et al. v. The Islamic Republic of Iran, et al.</i>	15-cv-9903 (GBD) (SN)  ECF Case

**DECLARATION OF FRANK CASTROGIOVANNI**

COMES NOW the declarant, Frank Castrogiovanni, duly sworn upon oath, deposes and testifies as follows:

1. I am more than 18 years of age and competent to testify in court to the matters stated below.

The statements made in this Declaration are based on my personal knowledge unless otherwise indicated.

2. I was a citizen of the United States on September 11, 2001, and remain so today. Attached as Exhibit A to this Declaration is a true and correct copy of my proof of citizenship.

3. On September 11, 2001, I was employed by Bank of America Securities located on the 81<sup>st</sup> Floor of 1 World Trade Center. When the airplane struck the first World Trade Center Tower, I was in my office on the 81<sup>st</sup> Floor. Attached as Exhibit B to this Declaration is a true and correct copy of the Victim Impact Statement that I drafted in the days immediately following the September 11<sup>th</sup> attacks, and which I previously submitted in support of my Victims Compensation Fund applications (VCF I and VCF II). My horrific experience on September 11<sup>th</sup> is fully detailed in Exhibit B.

4. I was in New York City at Ground Zero when the planes hit the towers and I received physical injuries in the escape and collapse. In the course of the attack and my escape, I witnessed

atrocities beyond the imagination of the average citizen. The situation could only be compared to a war zone. I was going about my everyday life in a peaceful manner when we were brutally attacked by terrorists and my life was altered forever.

5. As a result of these terrorist attacks, I suffered the following specific injuries on September 11, 2001: smoke inhalation and injuries to my neck, back, left shoulder and knee.

6. I sought medical attention for my injuries suffered during the September 11<sup>th</sup> attacks. Due to my various injuries suffered on September 11<sup>th</sup>, I have undergone four major surgeries, including a neck surgery in which my doctors implanted plates and screws in my cervical spine region. My doctors have also told me that I will need additional surgeries in the future. Further, I continue to require prescription medication on a daily basis for my pain from my injuries. Attached as Exhibit C to this Declaration is a true and correct copy of my medical records related to the treatment that I received following the September 11<sup>th</sup> terrorist attacks.

7. As detailed in Exhibit B, I watched people fall to their deaths on September 11th, and I encountered people burned to the point that skin was falling off their arms and others whom I could not tell if they were Caucasian or African-American. I cannot erase the images of September 11<sup>th</sup> from my mind. I still have nightmares that leave me crying in my sleep. To this day, I lose concentration in conversations and forget words, and my memory is not what it used to be. Accordingly, I suffered, and continue to suffer, severe emotional distress as a result of the above terrorist attacks. I suffered and continue to suffer from anxiety and bouts of depression due to the traumatic events of that I experienced on September 11, 2001.

10. I previously pursued claims [Claim Numbers 212-006250 (VCF I) and 0001806 (VCF II)] through the September 11<sup>th</sup> Victim Compensation Fund specifically related to my physical injuries incurred on September 11, 2001, and my claims were determined to be eligible for compensation.

**I DECLARE, VERIFY AND STATE UNDER PENALTY OF PERJURY that the foregoing is true and correct.**

**DATED this .5 day of December 2019.**

**Frank Castrogiovanni**

**EXHIBITS  
FILED  
UNDER SEAL  
(ECF No.  
5716)**